

Assembly Bill No. 1752

CHAPTER 887

An act to amend Section 13108 of the Elections Code, relating to elections.

[Approved by Governor September 30, 2014. Filed with
Secretary of State September 30, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1752, Fong. Redistricting: incumbent designation.

Existing law, as added by constitutional initiative, requires the Citizens Redistricting Commission, in the year following the year in which the federal decennial census is taken, to adjust the boundary lines of the congressional, State Senate, Assembly, and Board of Equalization districts. Existing law specifies which candidate for the office of Representative in Congress, State Senator, Member of the Assembly, or Member of the Board of Equalization shall be deemed the incumbent of the district for purposes of the first election following decennial redistricting.

This bill would change the order of which candidate shall be deemed the incumbent at the first election following decennial redistricting. This bill would also make a conforming change to reflect the redistricting process.

The people of the State of California do enact as follows:

SECTION 1. Section 13108 of the Elections Code is amended to read:

13108. (a) At the first elections for Representative in Congress, State Senator, Member of the Assembly, and Member of the Board of Equalization in each congressional, senatorial, Assembly, and Board of Equalization district following the adjustment of the boundary lines of the congressional, senatorial, Assembly, and Board of Equalization districts by the Citizens Redistricting Commission pursuant to Section 6 of Article IV, Section 17 of Article XIII, and Section 1 of Article XXI, of the California Constitution, that candidate who shall be deemed the incumbent in a given district for purposes of the election shall be that candidate who is running for the same office that he or she then holds, and who is running for reelection in a district that has the identical boundaries and number as the district from which he or she was last elected.

(b) In the event there is no candidate to whom subdivision (a) applies, the incumbent shall be that candidate who is running for the same office that he or she then holds, and who is running for reelection in a district that has the identical boundaries as the district from which he or she was last elected, but that has a different number.

(c) In the event there is no candidate to whom subdivision (a) or (b) apply, the incumbent shall be that candidate who is running for the same office that he or she then holds, and who is running for reelection in a district that contains some portion of the territory previously contained within the district from which he or she was last elected. However, in a new district that contains portions of the territory of more than one former district, the incumbent shall be that candidate the greater portion of the population, as determined by the most recent federal decennial census, of whose former district is included within the new district.

(d) In the event there is no candidate to whom subdivision (a), (b), or (c) apply, the incumbent shall be that candidate who is running for the same office that he or she then holds, and who is running for reelection in a district that has the identical number as the district from which he or she was last elected. However, a candidate for the office of Member of the Assembly shall be considered the incumbent in this case only if the district bearing the same number is located in the same county as the district that previously bore that number.

(e) If there is no candidate in a given district to which any of the above provisions apply, the incumbent shall be the person who is a candidate for the same office that he or she then holds who fulfills the residency requirements of law for candidacy within the district.